

FROM: EA Jensen / Mountain Orchard
668 Main Road
Granville, MA 01034

April 10, 2008

TO: Mr. Thomas Dowd
Office of Policy Development and Research
Employment and Training Administration
US Department of Labor
200 Constitution Ave. Rm. N-5641
Washington, DC 20210

Reference: RIN 1205-AB55 Modernizing the Labor Certification Process for H2A.

Dear Mr. Dowd,

My name is Edward Jensen and I have been owner and operator of Mountain Orchard for nearly 50 years. I own a 50 acre apple orchard that employs up to 13 H2A workers during the peak of the picking season. We have used H2A workers for about 40 years, because they are dependable, willing, and hard working. It has been mutually beneficial for us and the men we employ and we would be devastated without them. We have never had success finding anyone in this country willing to pick apples, and we have tried. Unlike other labor needs, ours is for a perishable crop that will not be put off while we look for help.

In regards to the proposed Labor Dept. H2A changes, my position is as follows:

- 1) I endorse the recommendations of the New England Apple Council and the National Council of Ag. Employers.
- 2) I think that it is unreasonable to have housing inspections required so early because our workers arrive 2 to 3 months after these inspections. It also means opening our housing during the winter, which is inconvenient and unnecessary when workers are never staying during these harsh months.
- 3) Filing the documentation forms three days before the date of need serves no useful purpose when one is already on file.
- 4) The increased fees for certification seem excessive and tax the already burdened farmer. Unless I can see a legitimate reason why my fees need to increase, I find them excessive and unnecessary.

I hope you will consider the consequences incurred by the farmers who would be required to follow these proposed changes. There is a reason why American farmers cannot afford to stay in business.

Sincerely,


Edward Jensen Jr.

Cc: Joe Young, New England Apple Council